



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 20, 2023

**By ECF**

The Honorable Kenneth M. Karas  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: *Daniel Libit v. United States Military Academy et al.*, No. 23 Civ. 00845 (KMK)

Dear Judge Karas:

This Office represents the United States Military Academy (the “USMA” or the “Government”) in this action brought by Plaintiff Daniel Libit (“Plaintiff”) under the Freedom of Information Act (“FOIA”). This case concerns FOIA requests submitted by Plaintiff to USMA and the Army West Point Athletic Association (“AWPAA”) seeking records concerning USMA’s intercollegiate athletics programs. We write jointly with Plaintiff and AWPAA to provide the Court with a status report in accordance with the Court’s order on June 20, 2023, Dkt No. 30.

Plaintiff submitted three FOIA requests to USMA and AWPAA, respectively. USMA and AWPAA have completed the majority of their searches for documents responsive to Plaintiff’s FOIA requests. USMA and AWPAA intend to make initial productions of a limited number of responsive, non-exempt records in the next few weeks. Thereafter, the parties have agreed that USMA will process Plaintiff’s FOIA requests at a rate of 300 pages per month, with the first production on August 18. In addition, to the extent that AWPAA and USMA have identified potentially responsive records that may include the confidential commercial or financial information of third parties that is exempt from public disclosure pursuant to FOIA exemption 4, 5 U.S.C. § 552(b)(4), AWPAA and USMA will notify those third parties of Plaintiff’s FOIA requests and provide those third parties with the opportunity to submit objections to disclosure.

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The parties thank the Court for its consideration of this joint status report and propose to file their next joint status report within 60 days, or by Monday, September 18, 2023.

Respectfully,

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United States Attorney for the  
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By: /s/ Elizabeth J. Kim

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